

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

THE CONTINENTAL INSURANCE  
COMPANY and NATIONAL FIRE  
INSURANCE COMPANY OF  
HARTFORD,

**Plaintiffs,**

V.

1:24-CV-1410-RP

CODY POOLS, INC.,

Defendant.

## ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Plaintiff Continental Insurance Company and Plaintiff National Fire Insurance Company of Hartford’s (“Plaintiffs”) Motion to Dismiss Counterclaim. (Dkt. 13). Defendant Cody Pools, Inc. (“Defendant”) timely filed objections to the report and recommendation. (Objs., Dkt. 26).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Defendant timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Defendant's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 25), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Plaintiffs' motion to dismiss counterclaim, (Dkt. 13),  
is **GRANTED**.

**IT IS FINALLY ORDERED** that Defendant's counterclaim is **DISMISSED WITH  
PREJUDICE**.

**SIGNED** on July 23, 2025.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE